



**SPECIAL MINUTES OF THE CITY COUNCIL
ON POLICY AND ORDINANCE PRIORITIZATION AND
STUDY SESSION PROCESS**

SAN JOSE, CALIFORNIA

TUESDAY, OCTOBER 9, 2012

The Council of the City of San José convened in Special Session at 1:32 p.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chu, Constant, Herrera, Kalra, Liccardo, Nguyen, Oliverio, Pyle, Rocha; Reed.

Absent: Council Members - All Present.

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

OPENING REMARKS

Mayor Reed and City Manager Debra Figone presented introductory comments.

STRATEGIC AND SUPPORT SERVICES

Documents Filed: (1) Replacement memorandum from Vice Mayor Nguyen, dated October 5, 2012, providing more clarification and details related to recent stakeholder feedback and direction to the Administration. (2) Memorandum from Council Member Campos, dated October 9, 2012, recommending direction to Staff to develop a University Corridor Overlay along Story Road. (3) Memorandum from Council Member Chu, dated October 5, 2012, recommending direction to Staff to develop a policy to promote and enforce parts or portions of the Healthy Eating Active Living initiative. (4) Memorandum from Council Members Rocha, Kalra and Pyle, dated October 5, 2012, recommending the following study sessions: (a) Green Vision Implementation, Best Practices in Local Government Public Health Policy and Parks and Recreation and Library Programming.

(Cont'd.)

Documents Filed: (Cont'd.) (b) Recommending direction to Staff to make it a standing practice to bring forward the upcoming study session schedule when the Council considers work load prioritization (5) Memorandum from Council Members Kalra, Rocha and Pyle, dated October 5, 2012, recommending direction to Staff to add the following to the list of approved 2012 – 2013 work plan projects and ordinances: (a) Medical marijuana enforcement and remedies for nonpayment (Attachment B, No. 3, 9 and 29); (b) Wood Burning Appliances (No. 26); and Public Review of New Retail Reuse (No. 2). (6) Supplemental memorandum from City Attorney Richard Doyle, dated October 5, 2012, providing background information on the closure of business for failure to pay City taxes. (7) Memorandum from City Manager Debra Figone, dated October 4, 2012, providing information, outcomes and analysis on the Study Session Process. (8) Memorandum from City Manager Debra Figone, dated October 4, 2012, presenting information on the 2012-2013 Council Priority Policies and Ordinances. (9) Supplemental information from City Manager Debra Figone, dated October 5, 2012, providing additional information related to an additional priority item to be discussed during the Special Meeting on October 9, 2012. (10) Staff presentation dated October 9, 2012 summarizing the City Council Special Meeting Ordinance Prioritization and Study Session Process. (11) First and second Mayor and City Council Member voting ballots on the FY 2012-2013 Council Priority Policies and Ordinances and Future List of Priority Policies and Ordinances dated October 9, 2012. (12) Letter from John P. Broadbent, dated October 3, 2012, expressing support to a proposed Wood Smoke Ordinance. (13) Letter from Sierra Clara, the Santa Clara Valley Audubon Society, Greenbelt Alliance and Committee for Green Foothills, dated October 4, 2012, recommending that the Council prioritize the Riparian Corridor Ordinance. (14) Letter from Karae M. Lisle, CEO, InnVision Shelter Network, dated October 9, 2012, requesting that Council prioritize the ordinance topics pertaining to streamlining the provision of affordable housing for the many homeless members of San José. (15) Letter from Sonia Ramos, President, Latina Coalition of Silicon Valley, dated October 9, 2012, expressing support to developing a policy to promote and enforce parts or portions of the Healthy Eating Active Living Cities Campaign.

2. Policy and Ordinance Prioritization

- (a) Review status of current policy and ordinance priorities**
- (b) Review pending and newly proposed policies and ordinances**
- (c) Council discussion and prioritization**

Assistant City Manager Edward K. Shikada presented introductory remarks.

Assistant to the City Manager Ashwini Kantak provided the presentation on the Policy and Ordinance Prioritization Update.

Mayor Reed opened the floor for public testimony.

2. (Cont'd.)

Public Comments:

- (1) Rose Amador, Center for Training and Careers encouraged the Council to make the homeless and homeless encampments a priority for the City of San José.
- (2) Jenny Nicklaus, EHC Life Builders expressed support to prioritize the efforts to end homelessness in the City of San José.
- (3) David Wall suggested that Staff find a long term funding solution scenario for ending homelessness.
- (4) Alice Kaufman, Committee for Green Foothills encouraged the development of a Riparian Corridor Ordinance for riparian setbacks.
- (5) Barbara Coler, Bay Area Air Quality Management District expressed support to a wood burning ordinance for the City of San José because of the public health risk from air pollution in the Bay Area.
- (6) Victor Hernandez expressed opposition to wood burning and encouraged the Council to develop an ordinance in order to reduce air quality issues.
- (7) Alejandra Herrera Chavez, Destination: Home expressed support to ending homelessness in the City of San José.
- (8) Margo Sidener, Breathe California urged the Council to prioritize the strengthening of the wood burning ordinance.
- (9) Steven Macias, Native Voice TV endorsed the memorandum from Vice Mayor Nguyen to end homelessness.
- (10) Rachel Popluck, The Health Trust expressed support to the focus on access to fresh fruits and vegetables, healthy food and mobile vending.
- (11) Eileen McLaughlin, Citizens Committee to Complete the Refuge, encouraged the evaluation of the Riparian Corridor Ordinance and Policy.
- (12) Shani Kleinhouse, the Santa Clara Valley Audubon Society expressed support to the development of Riparian Corridor Ordinance.
- (13) Joshua McCluskey encouraged Council to evaluate the Riparian Corridor Ordinance and Policy.
- (14) Doug Chloupek, Medmar Healing Center urged the Council to implement an ordinance to regulate the medical cannabis industry.
- (15) James Anthony expressed support to the prioritization of an ordinance for medical cannabis.
- (16) Gina Gates, Latina Coalition of Silicon Valley expressed support to the memorandum from Council Member Chu, dated October 5, 2012, focusing on access to fresh fruits and vegetables and healthy foods.
- (17) Kanat Tibert expressed support to the memorandum from Council Member Chu, dated October 5, 2012, focusing on access to fresh fruits and vegetables and healthy foods.
- (18) Greg Kerekes expressed concern about the trash in the Guadalupe River and urged the Council to evaluate the Riparian Corridor Ordinance and Policy.

Extensive Council discussion ensued.

2. (Cont'd.)

Final Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, the List of Council Approved Additions to the 2012-2013 Work Plan Projects and Ordinances are as follows: (1) Hotel and Motel Conversations/Modernize Single Room Occupancy Ordinance. (2) Medical Marijuana Collectives/Remedies for Nonpayment of City Fees or Taxes (include definition of nuisance). (3) Tattoo and Other Business Regulations. (4) Development Agreement Policy. (5) Riparian Corridor Policy (6) Wood Burning Appliances. (7) Proposed Strategy to End Homelessness. (11-0.)

3. Study Session Process

- (a) Review current process for setting study sessions**
- (b) Council discussion Reed,**

Assistant to the City Manager Ashwini Kantak offered a presentation on the Study Session Process.

Public Comments: David Wall thanked Council Member Rocha for bringing forward the review of the current process for setting study sessions.

There was no formal action, although the Council Members agreed to continue with the current process of issuing memorandum requests for study sessions to the Rules and Open Government Committee for discussion and action. Staff was requested to submit a list of topics to a future Rules and Open Government Committee that are probable to come to Council and include suggestions from Council Members. Staff was requested to add Medical Marijuana, Green Vision Implementation and Parks, Recreation and Library Programming to the future Study Session list. Staff requested to examine the amount of debt that is tied to the General Fund and add to the future Study Session list. Council Members may submit probable topics to the Rules and Open Government Committee by memorandum.

OPEN FORUM

David Wall presented special thanks to John Brandt, City Clerk Dennis Hawkins, Assistant City Clerk Toni Taber, Brenda Charles and Susan Davis for their kindness and assistance in the Council Chambers and for the courteous service at the Office of the City Clerk. Mr. Wall suggested that there should be Council discussions about providing protection for the City Manager, other City Officials and their residences from the "Occupiers".

ADJOURNMENT

The Council of the City of San José adjourned the Special Meeting at 4:28 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Dennis Hawkins, CMC
City Clerk

smd/10-9-12 SPEC MIN

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/city> or <http://www.sanjoseca.gov/civiccenter/tv>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.